

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

TECHNOLOGY NATIONAL )  
INSURANCE COMPANY, INC., )  
                            Plaintiff, ) No. 21-CV-05037  
                            vs.         )  
                            )  
JULIO CHUNGATA and POLO         ) Judge Harry D. Leinenweber  
MASONRY BUILDERS, INC.,         )  
                            )  
                            Defendants. )

**MOTION FOR ENTRY OF DEFAULT FINAL JUDGMENT  
AGAINST POLO MASONRY BUILDERS, INC**

Plaintiff, Technology Insurance Company, by its attorneys, Bodell Bove, LLC, pursuant to Rule 55 of the Federal Rules of Civil Procedure, moves for the entry of Default Judgment against Defendant, Polo Masonry Builders, Inc., with respect to TIC's Complaint for Declaratory Judgment. In support of its motion, TIC states as follows:

1. On September 23, 2021, Technology Insurance Company ("TIC") filed its Complaint for Declaratory Judgment. A copy of the Complaint (with its exhibits) is attached hereto as **Exhibit A**.
2. On November 12, 2021, TIC issued a Notice of Lawsuit and Request to Waive service of Summons to the registered agent for Defendant, Polo Masonry Builders, Inc ("Polo Masonry"). A copy of the Notice is attached hereto as **Exhibit B**.
3. No response was received to the request to waive service.
4. On December 21, 2021, a letter and an Affidavit of Compliance for Service on Secretary of State (with a copy of all papers to be served, including a copy of the Complaint) was sent to the Department of Business Services. A copy of the letter and the Affidavit are attached

hereto as **Exhibit C**.

5. On December 30, 2021, the Affidavit of Compliance for Service of Secretary of State was filed and returned to TIC. A copy of the filed affidavit is attached as **Exhibit D**.

6. On January 28, 2022, TIC filed a Motion to File Proof of Service on Polo and to Deem Defendant Served. A copy of the motion is attached as **Exhibit E**.

7. On February 1, 2022, this Court entered a Minute Entry granting TIC's motion and deemed Polo Masonry served in this action. A copy of this order is attached as **Exhibit F**.

8. As of the date of the filing of this motion, Polo Masonry has failed to file an appearance and/or any responsive pleading to the Complaint for Declaratory Judgment. Accordingly, Polo Masonry is in default.

9. TIC's Complaint seeks judicial declarations regarding its rights and obligations under a Workers Compensation and Employer's Liability Insurance Policy (policy no. TARIL938841-01) effective November 1, 2017 to November 1, 2018 ("the policy"). The terms of the policy are identified in more detail in Paragraphs 12 - 17 of TIC's Complaint.

10. TIC's Complaint seeks declarations that TIC has no duty to defend or indemnify Polo Masonry in the lawsuit filed in the Circuit Court of Cook County, Illinois, captioned: *Julio Chungata v. Polo Masonry Builders, Inc., et al.*, Case No. 2019 L 006992 (the "underlying lawsuit").

11. Pursuant to the provisions of Rule 55(b)(2) of the Federal Rules of Civil Procedure, this Court is empowered to enter a default judgment against Polo Masonry for the relief sought by TIC in its Complaint.

12. Written notice and a copy of this motion has been sent to Polo Masonry at the place where it was served as well as to Polo Masonry's registered agent.

WHEREFORE, Plaintiff Technology Insurance Company prays that this Court enter declaratory judgment by default in TIC's favor and against Defendant Polo Masonry Builders, Inc., granting all relief sought by TIC in its Complaint.

Respectfully Submitted,

TECHNOLOGY INSURANCE  
COMPANY, INC. (incorrectly named as  
“Technology National Insurance Company”)

By: /s/ Brian A. O’Gallagher  
One of its attorneys

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